



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/800,621

03/07/2001

Bernard G. Freeland

A2A-101

7479

7590

10/04/2006

David I. ROCHE
Baker & McKenzie
130 E. Rondolph Drive
Chicago, IL 60601

EXAMINER

DASS, HARISH T

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/800,621

Applicant(s)

FREELAND, BERNARD G.

Examiner

Harish T. Dass

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/29/2006 has been entered.

2. Affidavit submitted on 5/5/2006 is entered based on RCE filed 6/29/2006

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (hereinafter Anderson – 5,774,883) in view of Regan (US 6,898,574).

Re. Claim 1, Anderson discloses validating a titled asset to be sold by a seller to a buyer [see entire document particularly, Abstract],

Art Unit: 3693

arranging for financing by a lender of funds to be paid to a seller for said asset on behalf of a buyer [Figures 12-13a, 14; C1 L64 to C2 L12], all of said steps taking place without an intermediate transfer of ownership of said asset from said seller to any party other than said buyer [C2 L6-L9]. Anderson does not explicitly disclose providing an escrow service for ensuring that financial and legal aspects of said sale occur in an orderly manner. However, Regan discloses this feature [Figure 1; col. 2 lines 50-63; col. 3 lines 18-68; col. 9 lines 9-33] to provide an automatic online service and transaction process to participant efficiently. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Anderson and include providing an escrow service, as disclosed by Regan, to provide an integrated system for escrow, registration, appraisal, etc.

Re. Claim 2, Anderson discloses wherein said validation comprises an examination of the asset and creation of descriptive information regarding the asset and its condition, and recording said descriptive information in a report [abstract; C5 L45-L50]. Further, it is well known that when a used car is purchase buy the car dealer, the dealer inspect the car to appraise the car, and when an individual buys a car from another person, he/she takes the car for inspection to auto-repair shop to find out the condition of the car. For example, car max checks every car and provide recommendation.

Re. Claim 3, Anderson discloses wherein said validation comprises an inspection of the asset and a recommendation for repairs or alterations of the asset [C19 L1-L3].

Re. Claim 8, Anderson discloses validating a titled vehicle to be sold by a seller to a buyer, said validating including an inspection of said vehicle to confirm its make, model and condition [Figures 12-13a, 14; C1 L64 to C2 L12; C5 L45-L50], arranging for financing by a lender of funds to be paid to a seller for said vehicle on behalf of a buyer [C18 L25-L57; C26 L1-L23], and all of said steps taking place without an intermediate transfer of ownership of said vehicle from said seller to any party other than said buyer [C2 L6-L9]. Anderson does not explicitly disclose providing an escrow service in which an agent coordinates said sale, and makes arrangements for said vehicle and title to said vehicle to be transferred to the buyer, arranges for purchase funds to be given to the seller of said vehicle, and attends to satisfaction of any liens with respect to the seller's ownership of said vehicle, and attends to recordal of any liens to be made by a lender of funds to said buyer on said title. However, Business Wire discloses this step [see entire document particularly, Pp1 pgraf # 1, Pp 2 pgraf # 11] to protect online transaction of car buying service. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Anderson and include providing an escrow service, as disclosed by Business Wire, to establish high level of confidence in buyers' and sellers' minds by providing additional protection.

Re. Claim 9, Anderson wherein said validating comprises preparation of a descriptive information report with recommendations for maintenance, repair and/or alteration of said vehicle [C19 L1-L3].

Re. Claim 10, claim 10 is rejected with same rational as claim 1.

Re. Claim 11, Anderson discloses wherein said validation service comprises an examination of the asset by a technician familiar with assets of the type to be sold, and said technician creates a written report containing descriptive information regarding the asset and its condition [abstract; C5 L45-L50].

Re. Claim 12, Anderson discloses wherein said asset is a vehicle and validation comprises an inspection of the vehicle and a recommendation for repairs or alterations of the vehicle [C19 L1-L3].

Claims 4-7 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson and Regan as applied to claims 1, 10 above, and further in view of Finch (US 6,850,902).

Re. Claims 4-7, Anderson discloses wherein said method includes additional steps selected from the group consisting of: providing tag and title services in which requirements for licensing and registration of the asset with governmental officials are

Art Unit: 3693

fulfilled (documents) [C17 L30-L44; C18 L25-L57], wherein said method includes providing tag and title services in which requirements for licensing and registration of the asset with governmental officials are fulfilled (documents) [C17 L30-L44; C18 L25-L57]. Neither Anderson nor Regan explicitly discloses resolving liens held by previous lenders of money to said seller by paying all monies owed lienholders existing at the time of sale, and attending to recordal (history) of new liens associated with borrowing by said buyer, and wherein said method includes resolving liens held by previous lenders of money to said seller by paying all monies owed lienholders existing at the time of sale, and wherein said method includes attending to recordal (history or history record) of new liens associated with borrowing by said buyer. However, Finch discloses these features [see entire document particularly Abstract; Figures 2, 4, & 6; C1 L32-L50; C3 L13-L60] to release of a lien formally held by a lender and transfer title to new owner. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Anderson and Regan and include resolving liens held by previous lenders, as disclosed by Finch to satisfy the old loans for clean title transfer to new owner.

Re. Claims 13-16, claims 13-16 are parallel claims to claims 4-7 and are rejected with same rationale as claims 4-7.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US 2001/0027436 (Tenenbaum) discloses a method of conducting loan transactions which features a Web-based community of reversed credit auctions where Borrowers present their credit needs and collaterals and Lenders analyze those projects on a caveat emptor basis and compete through the interest rates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3693

H/ arish T Dass

9/26/06